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June 23, 2019

By Electronic Case Filing

Honorable Nicholas G. Garaufis
United States District Judge
United States District Court
for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: King v. Construction & General Building Laborer's
Local 79, Civil Action No. 1:19-cv-03496 (NGG)(VMS)

Dear Judge Garaufis:

I write on behalf of Respondent Local 79 to submit this letter in opposition to the motion of the Charging Parties (Docket No. 20) to file a memorandum of law in support of the Petitioner's motion for a preliminary injunction (Docket No. 4).

First, the Mannix Family Markets are not parties to this action. There are only two parties: the Petitioner, which is the Regional Director for Region 29 of the National Labor Relations Board and the Respondent, which is Local 79. This action was commenced by the Regional Director on June 13, 2019. At no time since then have the Charging Parties sought, let alone been granted, leave to intervene.

Second, the Charging Parties have improperly filed their brief (Docket No. 20-1) without first actually securing leave from the Court.

Third, the Charging Parties filed their motion and brief far too late in the process. The Regional Director filed her Petition and motions for a TRO and preliminary injunction ten days ago, on June 13. The Court heard argument on the TRO four days ago, on June 19. It is simply improper to wait until Sunday afternoon on June 23, less than 22 hours before oral argument on the preliminary injunction motion (being held at 2:30 pm Monday) for the Charging Parties to file a motion for leave to file a brief, let alone file a twenty-page brief without leave.

For these reasons, Local 79 respectfully requests that the Charging Parties' motion for leave be denied and their improperly filed brief be stricken and not read by the Court. In the alternative, Local 79 respectfully requests that oral argument on the preliminary injunction



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motion be postponed until July 10—the date that Judge Block indicated was the originally scheduled date—and that Local 79 be given until noon on July 9 to file a brief in response to the Charging Parties' brief.

Thank you for your kind consideration.

Respectfully submitted,

Joseph J. Vitale

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cc: Erin Schaefer
James Anelli